

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH JOHNSON, JR.,

No. C 08-5425 SI (pr)

Plaintiff,

ORDER

v.


EDWARD C. FLORES; et al.,

Defendants.

This pro se civil action was dismissed on April 13, 2009, due to plaintiff's failure to pay the filing fee. He has now filed a motion for the "court to reconsider and reopen the case in order for plaintiff to pay the filing fee." Plaintiff was notified more than four months before the dismissal that he had to pay the fee or file a pauper application and did not do either. The court's dismissal was not in error. The motion for reconsideration and to reopen is DENIED. (Docket # 5.) The court notes that there is an obvious alternative for plaintiff: this action was dismissed without prejudice, and plaintiff was clearly informed in the order of dismissal that he could file a new action for which he pays the filing fee or files an in forma pauperis application with a new complaint to commence that new action.

IT IS SO ORDERED.

Dated: May 7, 2009


SUSAN ILLSTON
United States District Judge